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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,531	12/13/2005	Oyvind Harboe	2800-0131	3114
6449	7590	07/24/2007		
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			EXAMINER SEVER, ANDREW T	
			ART UNIT 2851	PAPER NUMBER
			NOTIFICATION DATE 07/24/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No. 10/560,531	Applicant(s) HARBOE, OYVIND	
	Examiner Andrew T. Sever	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/30/2007
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 4/30/2007. These drawings are acceptable.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the equation of claim 22 includes terms not found in the specification as originally filled; the specification or the amendment should be amended to identify those terms. No new matter should be entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The equation (I) of claim 22 is not in the originally filed specification and the claim does not define what each term of the equation is and therefore it cannot be determined what the equation is claiming and/or if some other equation or specified characteristic of the invention is equivalent.

This specific equation was not found in the specification as originally filed and it cannot be determined if the prior art teaches an equivalent equation, since it cannot be determined with absolute certainty what these terms mean and accordingly whether the prior art teaches an equivalent, no prior art rejection will be provided. Claims 23-25 are dependent on claim 22 and are therefore rejected for the reasons claim 22 is rejected at least due to their dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 12-25 rejected under 35 U.S.C. 102(b) as being anticipated by Ioka (US 2002/0024640.)

With regards to applicant's claim 12:

Ioka teaches in paragraphs 12-44, 58, 61, 62, 71-73, and figure 3 a method for calculating input signals to at least two light projectors (figure 3, projectors 3a-3d) for spreading fluctuations in color intensity over an area, thereby creating a substantially invisible transition zone between them, said method comprising:

Calculating input signals to each of the at least two light projectors for a projected image in a predetermined transition zone based on a blending function that controls emitted light directed toward said predetermined transition zone from each of at least two light projectors (see paragraph 12 of Ioka which teaches that in the transition zone a compensation data calculator calculates a blending function (compensation data which takes the form of a blending function see paragraph 44 which states on its 10th line that a compensation/correction function (blending function) is produced from the captured data), which an input image divider dividing the image for each projector and those image

are subjected to an image compensator which corrects each image for each projector based on the blending function);

Wherein the input signals to at least two light projectors are provided from tabulating said blending function using red light, green light, blue light and a blending factor (see paragraph 58, and 61 for example which teach that the blending function (compensation data which is used in a blending function) is tabulated using red, light, green light images sequentially to compensate for each color in the blending function,)

Wherein said blending function for each of at least two light projectors at each point within said transition zone provides a sum constituting a transfer function in the point, so as to obtain predictable projected image characteristics in the transition zone (as taught in paragraph 72 the correction is designed to result in a predictable project image characteristic (so that it is close to what is seen by the human eye), this is taught along with other corrections in paragraph 73 to be summed to make a transfer function also see paragraph 43),

Wherein the projected image at each point in said transition zone is constituted by the contribution from each for the at least two light projectors (see figure 3 which shows the overlap (OL) between each of the projectors), and

Wherein the amount of the contribution from each of the at least two light projectors is determined by choosing said blending factor for each point (see paragraph 12 and 44.)

With regards to applicant's claims 13 and 17:

The image compensator is described in paragraph 43 and elsewhere to use the blending function to interpolate (calculate) a correction to each signal to the at least two light projectors.

With regards to applicant's claims 14 and 16:

As stated in paragraph 41 the blending function and other compensation data is used to calculate input to the projectors and is correspondingly determined prior to edge blending (see paragraph 39 which states that the compensation data is obtained prior to actually projecting the input images.)

With regards to applicant's claim 15:

See paragraph 72 which states that in the case of correcting for at least gamma is obtained by measuring the relationship between the input image data and the characteristics of the emitted light (see the 6-8 lines of paragraph 72.)

With regards to applicant's claim 18:

See paragraph 72, which states that the transfer function (in paragraph 72 related to gamma characteristics) is determined by emitting light and measuring the relationship between applied signal and measured light characteristics (see the middle of the paragraph around the 8th line.)

With regards to applicant's claim 19:

As stated in paragraph 71 the applied signal is a ramp from zero output intensity to full output intensity (it goes from 0 to 255 (32 levels at a time).)

With regards to applicant's claim 20;

As described in paragraph 107 the above methods are performed automatically after the projectors and cameras are positioned and therefore would be part of a start up procedure.

With regards to applicant's claim 21:

Ioka teaches in figures 3 and 15 a control device for at least two image projectors (projectors 3a-3d in figure 3) adapted to spread fluctuations in color intensity over an area of a surface (figure 3 part 4), thereby creating a substantially invisible transition zone between them, the device comprising:

Memory means (see figure 15 parts 15, 17, and 51), and

Control means (figure 3 part 2 or parts 52, 16, and 13 in figure 15),

Wherein the memory means and control means perform the claimed method as described above with regards to applicant's claim 1.

Response to Arguments

7. Applicant's arguments filed 4/30/2007 have been fully considered but they are not persuasive.

Applicant argues first that Ioka is silent with respect to employing a blending function. While Ioka may not specifically call something a blending function, it does disclose a function for blending the transition zone for each of at least two light projectors in paragraph 44, which clearly states that in one embodiment the compensation takes the form of a function, meeting applicant's claimed language.

Applicant next argues that Ioka does not tabulate the function. However a clear reading of the method of Ioka in paragraphs 58, and 61 for example teach that the blending function (compensation data which is used in a blending function) is tabulated using red, light, green light images sequentially to compensate for each color in the blending function. This data is used with an undisclosed factor (blending factor) to make a function (blending function) to make a seamless transition between two projectors (see paragraphs 58 and 59.)

Applicant then argues that Ioka teaches a compensation data calculator which does not have various advantages of the present disclosed invention, while this may be true, the data calculator does execute the claimed method. It appears that applicant is arguing limitations, which are not claimed, and although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. (See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (fed. Cir. 1993) and *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1571-72, 7 USPQ2d 1057, 1064-1065 (Fed. Cir.), *cert. denied*. 488 U.S. 892 (1988).

With regards to claim 21 the rejection of claim 21 has been written so that the structure meeting applicant's claimed limitation is specifically pointed out. Applicant is reminded that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. (See *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997).)

With regards to applicant's claim 22. While it is true that Ioka does not provided a specific formula, it is irrelevant since applicant's disclosure as originally filed does not provide support for the claimed equation either and accordingly the claim and dependent claims are rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement. It should be noted that Ioka may describe an equivalent function, however that cannot be determined since it is not clear what each term of the new equation (formula I) means.

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Accordingly since applicant's arguments were not found persuasive and since the change to the rejection was a result of applicant's amended (new) claims the rejection is made final.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571) 272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS


Andrew Sever